

NEWS

WEDNESDAY, OCTOBER 5, 2005

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Arrest pending in police probe

MICHAEL SNEED
STAFF WRITER

In Auburn Police Division officer facing an indictment on charges he received payoffs to have charges dropped or reduced is expected to turn himself in to federal authorities today.

The Opelika-Auburn News reported Wednesday that Officer Tyrone White

was the subject of a three-month FBI investigation and that the federal indictment was pending.

Julian McPhillips, the Montgomery-based attorney representing White, said he received confirmation Wednesday that an eight-count indictment had been handed down against his client. The charges fall into the category of public corruption, said McPhillips, who insists

that White was innocent.

"We did have confirmation today that an eight-count indictment was handed down and we are working out plans that will have him turning himself in," McPhillips said. "He will be released on bond and we think in time, that the courts will clear him of these charges. "Mr. White categorically denies any wrongdoing and these charges come

from information provided to investigators by the Auburn Police Division. There are some good people there, but there are some who have moved to single out Mr. White in this instance. As we fight this, I think those facts will come out."

McPhillips said that White, who is

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PROBE: Arrest pending in police probe

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White could have been targeted because he spoke out about racial discriminatory practices inside the department.

Auburn officials said Wednesday they had not seen the indictment and had no discussions about the charges that may be outlined in it.

City Manager David Watkins confirmed Wednesday that White remains a city employee, assigned to administrative leave since the onset of the investigation.

White continues to draw his full

salary, pending further action, Watkins said.

Auburn Public Safety Director Bill James would not comment on the investigation or the charges facing White, citing the city's policy not to discuss personnel matters.

"We have policies and procedures in place and we will work through that process," James said. "At such time when and if further disciplinary proceedings are appropriate, we will move forward at that time."

The Federal Bureau of Investigation launched the probe into possible cor-

ruption inside the Auburn Police Division more than three months ago, calling more than 30 individuals in to testify. Throughout the process, James said the city cooperated fully with the investigation.

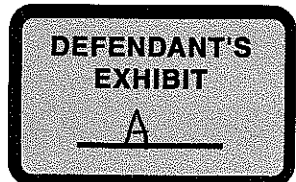
Officials in the United States Attorney's office in Montgomery said that all indictments were sealed until a time when the person named in the document was arrested. When an arrest is made, the document then can be made public.

White has 16 years of service with Auburn police and has been honored by

the Auburn City Council on three separate occasions, according to Opelika-Auburn News records.

"Officer White has never received money in exchange for any of his actions by any individual," McPhillips said. "He will fight these charges until the end and we feel confident that in time his name will be cleared."

Late last month the Auburn Police Division also launched an internal affairs investigation into allegations that an officer choked and injured a suspect during his arrest. That investigation is ongoing, according to James.



Auburn cop faces indictment

MITCHELL
SHEPHERD

A Veteran officer with the Auburn Police Division is facing a multiple-count federal indictment on accusations that he received payoffs to have charges reduced or dropped. Details of the indictment against Officer Tyronne White aren't scheduled to be released until sometime today. But

White's attorney, Julian McPhillips, said Tuesday that a three-month FBI investigation into alleged police wrongdoing singled out his client. "They have been questioning whether Mr. White received money for working to get charges in certain cases reduced or dropped," McPhillips said. "He vehemently denies all the charges against him."

made a scapegoat in this federal investigation," McPhillips said. "He has often in court worked to have tickets reduced or modified when circumstances dictate or as part of a plea bargain. It's nothing that no fewer than 20 other Auburn police officers have done on a routine basis. That process is something that happens every day in courtrooms in every part of this state and the nation."

"But never has Tyronne White received any monetary reward or payoff for his actions and to suggest otherwise is simply not true."

White has been on administrative leave since the start of the FBI probe, which is standard procedure during any type investigation, according to Auburn City Manager David Watkins.

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PELIKKA-AUBURN NEWS

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AUBURN: Police officer faces indictment

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"I was informed by my assistant today that an indictment had been presented," Watkins said. "When we receive the indictment, the city will then evaluate the charges and take appropriate steps to deal with the employee in a manner that is consistent with city policy. This has been a lengthy investigation, one that was very thorough. Now that the investigation is complete, we will move to make sure that the reputation of this department cannot be called into question."

Auburn Police Division Chief Frank deGraffenried

was out of town attending a law enforcement conference Tuesday and unavailable for comment, officials said.

White has 16 years of service with Auburn police and has been honored by the Auburn City Council on three separate occasions, according to Opelika-Auburn News records.

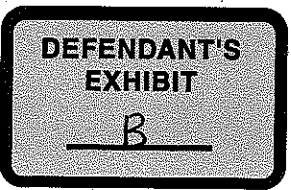
McPhillips said he received word last week that an indictment would likely come this week. He said he is confident White will be cleared of any wrongdoing as the case proceeds through the courts.

The Montgomery attorney said he has interviewed several witnesses who testified in the

FBI probe of White, and has six separate individuals who said that they had never seen evidence that White received payment of any kind.

"Officer White has never received money in exchange for any of his actions by any individual," McPhillips said. "He will fight these charges until the end and we feel confident that in time his name will be cleared."

Late last month the Auburn Police Division also launched an internal affairs investigation into allegations that an officer choked and injured a suspect during his arrest. That investigation is ongoing.



OPELIKA-AUBURN NEWS

FRIDAY, OCTOBER 7, 2005

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A MEDIA GENERAL NEWSPAPER

Officer: Auburn division 'racist'

MITCH SNEED
STAFF WRITER

An Auburn Police Division officer awaiting federal charges of alleged ticket fixing said the case against him is in retaliation for speaking up against racial bias inside the department and filed a federal complaint Thursday citing specific examples of racism.

An eight-count federal indictment was handed down Tuesday against former Marine and 16-year department veteran Tyrone White, accusing him of taking payments to make charges against individuals go away.

White had planned to turn himself in, but as of Thursday no warrant had been issued for his arrest, said his attorney, Julian McPhillips.

However, McPhillips filed an equal employment opportunity Commission (EEOC) complaint Thursday claiming that White is being singled out because he is black and has been outspoken about racial prejudice inside the Auburn Police Division.

"Mr. White denies any wrongdoing and will fight these charges until the end," McPhillips said. "He has worked through proper channels to have charges reduced in exchange for a guilty plea, but never has he taken any payment for that process which is something that is done by officers in every department every day."

Added McPhillips, "He feels like this investigation and the pending charges are the result of discrimination that exists inside the department. That's the reason we have filed a complaint and want to get on record stating the grounds that we feel led to this action."

Auburn Public Safety Director Bill James said claims of discrimination or racial bias in the Auburn Police Division or any other city department won't be tolerated.

"We have a very strict anti-harassment policy in place in our department," James said. "We do not tolerate that kind of activity in any way, shape or form. We have training in place to educate our employees and we have mechanisms in place so that if there is even a hint of any kind of discriminatory practices suspected, a complaint can be filed with the department head or the city manager."

"These complaints will be investigated thoroughly and dealt with judiciously. To my knowledge, (Tyrone White) had not filed any kind of complaint with anyone here at the city."

The complaint was filed late Thursday and city officials haven't had an opportunity to respond to the charges.

Auburn Mayor Bill Ham said that typically complaints are filed soon after incidents take

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DEFENDANT'S
EXHIBIT

C

FROM: GREG A

OFFICER: Auburn officer calls division 'racist'

IN OUR AREA

WWW.GROW.COM | OPELKA-AUBURN NEWS

Black officers are often subject to race-based jokes and e-mails filled with racial epithets.

A knife with Ku Klux Klan markings on it was placed in White's box at work.

An officer described as "openly racist" responded to a call involving a local black minister and verbally assaulted the man.

Another white officer routinely brags about how many black officers he has run off from the department.

Black officers are not given the same opportunities for overtime as Caucasian officers, and when overtime is taken by black officers, they are often verbally abused as "over-time hounds."

White said he witnessed a ticket

being fixed for a member of the Auburn University athletic department, an official who often supplied free football tickets to officers.

White said that "just about everyone in the Auburn Police department" fixes tickets for certain citizens and he had been instructed to do the same by a captain and a lieutenant in the department. When an officer refuses to fix a ticket, he is often ostracized by other officers.

Arrest warrant pending

In the complaint, White claims he talked with a member of the Auburn City Council about a racial, biased atmosphere on the force. But on Thursday, Ham indicated he wasn't aware of a potential problem within any city departments.

"In the eight years that I've been mayor no one has ever come to me with a complaint of this nature," said Ham. "But then again, the mayor isn't the person who would handle those. Those would be handled by the department, the city manager and then go through the process that we have in place."

The Federal Bureau of Investigation launched an investigation more than four months ago into possible corruption inside the Auburn Police Division. More than 30 individuals were called in to testify as a part of the probe. Through out the process, James said the city cooperated fully with the investigation.

Earlier this week, McPhillips confirmed that White is named in the

eight-count indictment. However, officials in the U.S. Attorney's office in Montgomery said that all indictments are sealed until the person named in the document is arrested. When an arrest is made, the document then can be made public.

White will turn himself in to federal authorities as soon as a warrant is issued, McPhillips said, possibly as early as today.

As to the charges of ticket fixing White said he often worked with individuals as informants and it would help them negotiate minor charges in exchange for information that may lead to arrests in other cases.

White has denied that he ever took any monetary compensation in those kind of situations.

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
☐ FEPA
☒ EEOC
CHARGE NUMBER

State or local Agency, if any

and EEOC

NAME (indicate Mr., Ms., Mrs.)
Tyrone WhiteHOME TELEPHONE (include area code)
334-745-2073STREET ADDRESS
1503 Covington AvenueCITY, STATE AND ZIP CODE
Opelika, AL 36801DATE OF BIRTH
07/17/64

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME
Auburn Police DepartmentNUMBER OF EMPLOYEES, MEMBERS
Approximately 130TELEPHONE (Include Area Code)
334-501-3120STREET ADDRESS
141 North Ross StreetCITY, STATE AND ZIP CODE
Auburn, AL 36830COUNTY
LeeNAME
Chief Frank DegraffeneidTELEPHONE NUMBER (Include Area Code)
334-501-3120STREET ADDRESS
141 North Ross StreetCITY, STATE AND ZIP CODE
Auburn, AL 36830

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ AGE
☒ RETALIATION ☐ NATIONAL ORIGIN ☐ DISABILITY ☐ OTHER (Specify)
DATE DISCRIMINATION TOOK PLACE
EARLIEST (ADEA/EPA) LATEST
(ALL)
October 5, 2005 and many times
in preceding months☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Attached hereto incorporated therein as fully set out

**DEFENDANT'S
EXHIBIT**D

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY (When necessary for State and Local Requirements)

☒ I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNATURE OF COMPLAINANT

10-6-05

Tyrone White

Date

Charging Party (Signature)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DATE
(DAY, MONTH, AND YEAR)

6-10-05

AFFIDAVIT

STATE OF ALABAMA COUNTY OF MONTGOMERY

My name is Tyrone White. I do swear the following is true in every particular:

1. I am a 41 year old male of African-American decent. I am married with one son, 12 years old. Further, I have been a member of the Auburn Police department for the past 16 years, or since 1989.
2. Over the years, I have noticed that there are various and sundry ways black police officers on the Auburn Police Department have been treated worse in the terms and conditions of their employment than white police officers.
3. Out of the total of about 100 police officers in the Auburn police department, there are about 12 to 15 who are black. We have been the butts of many jokes made either verbally or in writing, projecting black stereotypes. Many white officers considered these jokes funny, but we black officers did not. In fact, "jokes with the N word" were often cracked around the department and are not appreciated by black police officers.
4. In addition, black officers received less opportunities for good overtime work. When blacks did get overtime opportunities, they became the subject of complaints from white police officers, and were called "overtime hounds" or people "trying to make all the money." These jealousies and rivalries, based on racial comparisons, were rampant, and made me uncomfortable many times at the Auburn Police department.
5. This past February, 2005, eight of us black police officers got together, and decided to complain about race discrimination to higher up authorities in the Auburn Police department. It was our initial plan to go see Chief Degraffeneid, but first we spoke with Lt. Willie Smith, a fellow black officer, to get his direction and guidance about how to do this. However, a white police Lieutenant named Tommy Dawson heard about our plans. He acknowledged to us that he knew certain things were going on, and acted like he was sympathetic to us. In the end, however, Lt. Dawson talked down our plans, suggesting that it would adversely affect our promotion plans. In this way, Lt. Dawson actually discouraged us from making our complaints known to Chief Degraffeneid.
6. I was one of the main leaders of this effort by black officers to redress our grievances. Several of the initial eight officers were so discouraged by Lt. Dawson's comments, that they dropped out of our effort.
7. It became abundantly clear to me that my initiatives to correct racial problems in the Auburn Police department were causing me to experience various forms

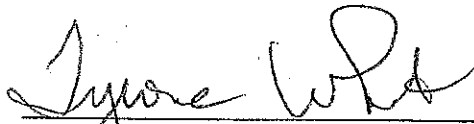
of retaliation.

8. About the same time, during the first week of July, 2005, while on administrative leave, I returned to work to get some papers. At that time, I discovered a racist 4 inch pocket knife had been placed in my box at work. On one side of the knife was an image of a Klu Klux Klansman. On the other side were the words "Ku Klux Klan." This knife made me feel extremely uncomfortable, and has caused me extreme emotional anguish.
9. I went to Sam Harris, the only black Opelika city councilman I knew. Mr. Harris advised me to call the NAACP, and I did call the NAACP in Montgomery. I also spoke to Auburn City councilwoman, Ms. Verlinda White, about the racism at the police department. Ms. White told me she also was concerned about racism in the Auburn city government, and would look into my claims. I do not know why the knife was put in my box, but I believe it was an effort to intimidate me.
10. The next thing I knew, during the summer months of 2005, I learned I was being investigated for the possibility of "fixing tickets." I knew that I had never fixed tickets for any financial gain, but as far as adjusting tickets ("that is dismissing one charge in return for a guilty plea on another charge"), that is something I and many officers have frequently done.
11. The truth is that one cannot "fix a ticket" on his own. He must go to the officer who actually wrote the citation to adjust a ticket. However, there are many legitimate reasons why tickets may be adjusted, including a guilty plea on one charge, when other charges are dismissed, or sometimes a consideration such as assistance in an investigation. This is a helpful tool to Auburn law enforcement that has been regularly used, as part of a de facto policy at the Auburn Police department for many years.
12. I know of at least 20 Auburn Police officers who have adjusted or fixed tickets in the same way that I have been accused of. In fact, I believe that just about everyone in the Auburn Police department has fixed tickets on occasion. Indeed my captain and my lieutenant at different times have asked me to either drop charges, or lower them down on certain citizens.
13. On about May - July, 2005, I observed with my own eyes and ears Captain Cerosky taking a citation from "a Ben Thomas" of the Athletic department at Auburn University, and telling him he would "take care of the ticket" for him. I was standing there when it happened. Ben Thomas was known as the person police officers could go to for football tickets. I did so myself but I always paid for my tickets.
14. Indeed, I have seen tickets fixed by other Auburn Police officers so often that I am astonished that I have been singled out for punishment in this regard. An exception was an Officer, Messer Schmidt, who would not fix tickets for

anybody. As a result, he became an outcast, and left the Auburn Police department.

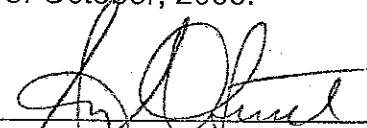
15. I have worked in many different environments throughout my life, but have never worked in a place as racist as the Auburn Police Department, where the racism pervades everything. There have been countless incidents of racist comments and ill humor that have gone wholly ignored by the higher-ups in the department.
16. On September 10, 2005, I went to Applebee's, and saw two women I knew there. I sat with them for a few minutes. Amy and Nicole George, the women, said that they would take care of his drink tab. The Applebees' witness misunderstood and called me at home to accuse me of walking out on my tab. She said the ladies did not pay my tab. Sergeant Maddox wanted to sign a warrant for my arrest for non-payment. The Applebee's manager said Sgt. Maddox gave him (the Applebee's manager) my home number.
17. Sgt. Maddox then told Applebee's staff that "the FBI was investigating me" but that they were trying to pin anything they could on me because "White thought he was untouchable." The kitchen manager, Norman Pitts, would testify as to what the officer told him. The waitress, D. Shavorn, knew my first name. Sergeant Maddox took a police report, and showed the waitress a photo book of police officers for identification. The department refused to release the report to me. Nothing was ever done about Sgt. Maddox violating police department policy against releasing personal contact information (i.e. home phone number).
18. Lt. Keith Howell, a white male, has been nicknamed "Axe" because he brags about all the black officers he has "run off" from the police department. Lt. Howell has bragged that he has helped run off a number of blacks from the department. Lt. Howell frequently makes disparaging comments about blacks, stereotyping them as "shopping at Walmart" and "purchasing watermelon."
19. Three officers applied to be the department's D.A.R.E. (Drug Abuse Resistance Education) officer. I got the position, and was assigned to the Auburn City school system. Another applicant, Officer Jody Hillyer, a white man, told everyone, including me, that "White had only gotten the position because he was black." This went on for some time, and no one did anything to stop Hillyer from making these comments, putting me down because of my race.
20. My partner and I received a call to respond to a noise complaint involving city councilman, Rev. A. L. Dowell, a black gentlemen, who routinely preaches in black Auburn neighborhoods. Corporal Jenkins, a white male who is openly racist, insisted on responding to the call, even though he was farther away than me and my partner. Cpl. Jenkins got to the scene first, and became involved in an altercation with the Rev. Dowdell, a former Auburn City councilman. When my partner and I arrived, we discovered Cpl. Jenkins screaming at Rev. Dowdell very disrespectfully.

21. The police department has also harassed my barber, a black gentleman, both at his barbershop and at the nightclub the barber used to own. I believe the department has tried to intimidate the barber into cooperating with the FBI investigation of me. The club, which has a predominantly black clientele, was eventually shut down after many weeks of harassment by the police department. The department alleged that the black nightclub was dangerously overcrowded. However, until recently, none of the white-owned clubs were similarly approached about their obvious overcrowding.
22. The culmination of all that unjust treatment I have experienced occurred when I learned I was recently indicted by the United States government on public corruption charges associated with my alleged ticket-fixing. I don't blame the FBI and the U.S. Attorney's office for doing their job, based on information submitted to them by the Auburn Police department. However, I believe the entire original investigation of me by the Auburn Police department was very racially-motivated and inspired, in retaliation for my leadership in raising issues about racism in the Auburn Police department.
23. Indeed, in an independent investigation by a professional investigator hired by my law firm, we learned that none of six witnesses identified as giving me money, actually ~~gave~~ ^{gave} me any money. It appears that some of these witnesses may have been coached or pressured to say negative things about me.
24. In light of all of the above, I believe that I have been discriminated against on the basis of my race in the terms and conditions of my employment, and subjected to a cold and hostile working environment because of my race, all in violation of Title VII, and 42 USC, 2000(e). Any further communications with me should be through my attorney, Julian McPhillips or his paralegals, Mr. Sim Pettway or Ms. Allison Highly of McPhillips Shinbaum, LLP, P.O. Box 64, Montgomery, AL 36101 (telephone number 334-262-1911).



TYRONE WHITE

BEFORE ME, the undersigned Notary Public, for said county and state appeared TYRONE WHITE, who, known to me, do swear the foregoing is true and correct in every particular on this 6 day of October, 2005.



NOTARY PUBLIC

My Commission Expires: ~~11/25/07~~

8/15/2008